

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CASE NO. DNCW3:03CR209-01
Financial Litigation Unit)
ERIKA F. WILSON,)
Defendant,)
and)
SAVASENIORCARE CONSULTING, LLC,)
Garnishee.)

ORDER OF CONTINUING GARNISHMENT

THIS MATTER IS BEFORE THE COURT on the answer of Savaseniorcare Consulting, LLC, as the Garnishee. On April 13, 2007, the Honorable Frank D. Whitney sentenced the Defendant to two (2) years' probation for her conviction of Conspiracy to Commit Bank Fraud and Utter Counterfeit Securities in violation of 18 U.S.C. §371. Judgment in the criminal case was filed on April 13, 2007 (Doc. No. 158). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$113,577.81 to the victims of the crime. *Id.*

On October 30, 2017, the Court entered a Writ of Continuing Garnishment ("Writ") (Doc. No. 240), to the Garnishee, Savaseniorcare Consulting, LLC, ("Garnishee"). The Defendant was served with the Writ on November 16, 2017, and the Garnishee was served on November 7, 2017. The Garnishee filed an Answer on January 3, 2018 (Doc. No. 245), stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings.

On November 27, 2017, the Defendant filed a request for hearing with the court using the forms provided by the United States (Doc. No. 243). The United States filed its Response to

Request for Hearing on December 5, 2017 (Doc. No. 244). The Government is not seeking to attach, sell or otherwise dispose of any property that is subject to exemptions. Therefore, the Defendant is not entitled to a hearing.

IT IS, THEREFORE, ORDERED that the Defendant's request for hearing is DENIED for the reasons stated in the Government's response and an Order of Continuing Garnishment is hereby ENTERED in the amount of \$46,411.58 computed through October 27, 2017. The Garnishee will pay the United States up to twenty-five percent of Defendant's net earnings which remain after all deductions required by law have been withheld and one hundred percent of all 1099 payments. *See* 15 U.S.C. § 1673(a). The Garnishee will continue said payments until the debt to the Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

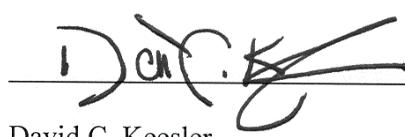
Clerk of the United States District Court
401 West Trade Street
Charlotte, NC 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:03CR209-01.

IT IS FURTHER ORDERED that Garnishee will advise this Court if Defendant's employment is terminated at any time by Garnishee or Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

Signed: October 8, 2020



David C. Keesler
United States Magistrate Judge
